



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Peter Babjak
DOCKET NO.: 13-36014.001-R-1
PARCEL NO.: 16-19-119-041-0000

The parties of record before the Property Tax Appeal Board are Peter Babjak, the appellant, by attorney Stephanie Park of Park & Longstreet, P.C., in Rolling Meadows; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds A Reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 783
IMPR.: \$1,517
TOTAL: \$2,300

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2013 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is comprised of a one-story dwelling of masonry exterior construction that is 100 years old. The dwelling contains 736 square feet of living . The improvement is situated on a 5,754 square foot site. The subject is a Class 2-02 property under the Cook County Real Property Assessment Classification Ordinance. The subject property is located in Jefferson Township, Cook County, Illinois.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted four comparables sales with varying degrees of similarity when compared to the subject. The comparables sold from January 2010 to February 2012 for prices ranging from \$41,000 to \$90,000 or from \$61.47 to \$116.13 per square foot of living area including land. The appellant's evidence also shows the subject property sold in October 2010 for \$23,000.

The appellant also submitted a copy of the decision regarding the subject property issued by the Property Tax Appeal Board for the 2012 tax year identified by Docket Number 12-22641.001-R-1, wherein the subject's assessment was reduced to \$2,300 based on an agreement by the parties.

The appellant's appeal petition shows the subject has an assessment of \$12,650 for the 2013 tax year, which reflects an estimated market value of \$126,500 or \$171.88 per square foot of living area including land when applying the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10%. Based on this evidence, the appellant requested the subject's 2012 total assessment of \$2,300 be carried forward for the 2013 tax year.

The board of review did not timely submit its "Board of Review Notes on Appeal" or any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a).

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant has met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the only evidence of market value contained in this are the comparable sales submitted by the appellant as well as the subject's 2010 sale price. The comparables sold from January 2010 to February 2012 for prices ranging from \$41,000 to \$90,000 or from \$61.47 to \$116.13 per square foot of living area including land. The subject sold in October 2010 for \$23,000. The subject assessment reflects a market value of \$126,500 or \$171.88 per square foot of living area including land, which is greater than the only comparable sales contained in the record as well as the subject's 2010 sale price. The board of review did not timely submit any evidence in support of the correct assessment of the subject property or to refute the value evidence submitted by the appellant. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a). Based on this evidence, the Board finds a reduction in the subject's assessment is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: September 18, 2018



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

AGENCY

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